

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7783

BILL NUMBER: SB 517

NOTE PREPARED: Mar 3, 2003

BILL AMENDED: Mar 3, 2003

SUBJECT: Adoption Package.

FIRST AUTHOR: Sen. Clark

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows a petitioner for adoption to have temporary custody of the child sought to be adopted pending final resolution of the adoption. The bill requires a paternity proceeding to be consolidated with a pending adoption proceeding. The bill requires notice of a petition for adoption to a person other than a putative father. It revises procedure for contesting an adoption. The bill amends the circumstances in which a person may withdraw a consent to adoption.

The bill also provides that a woman commits a Class A misdemeanor if the woman presents herself as a birth mother and accepts adoption expenses with no intention of placing the child for adoption.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) This bill includes several provisions to streamline adoption proceedings. These provisions may reduce the amount of time and associated administrative cost associated with adoption proceedings.

Explanation of State Revenues: *Penalty Provision:* The bill provides that a woman commits a Class A misdemeanor if the woman presents herself as a birth mother and accepts adoption expenses with no intention of placing the child for adoption.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of

the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: This bill may reduce expenditures associated with adoption proceedings. The bill includes several provisions that would streamline an adoption proceeding. These provisions may reduce court and staff time and the associated expenditures. The total number of cases that this would apply to is not known.

Penalty Provision: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* The bill also provides that a woman commits a Class A misdemeanor if the woman presents herself as a birth mother and accepts adoption expenses with no intention of placing the child for adoption.

If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Family and Social Services Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies, and county Offices of Family and Children.

Information Sources:

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